

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INSULATORS AND ASBESTOS  
WORKERS LOCAL NO. 14 PENSION  
FUND,

Plaintiff,

V.

BUCKLEY, et al.,

Defendants.

Civil Action No. 07-416 GMS

## ORDER

At Wilmington, this 13<sup>th</sup> day of February, 2008, having reviewed and duly considered the plaintiff's motion for summary judgment;

IT IS ORDERED that the plaintiff's motion for summary judgment (D.I. 19) is DENIED without prejudice. On July 24, 2007, the court granted the parties' stipulation to extend time for the defendants to file responsive pleadings, rendering the responsive pleadings due on September 10, 2007. On August 21, 2007, the plaintiff filed its motion for summary judgment, prior to the defendants filing their responsive pleadings, prior to the entry of a scheduling order, and prior to initiating the discovery process. Because the plaintiff did not follow the proper process, the court will deny its summary judgment motion at this time. The court's findings in this Order do not preclude the filing of summary judgment motions at the proper time, pursuant to the process that the court will set forth at the Rule 16 scheduling conference in this proceeding.

/s/ Gregory M. Sleet  
CHIEF, UNITED STATES DISTRICT JUDGE